

Voluntary Agricultural Districts



2018 Regional Preservation Workshops
May 2018

Agenda

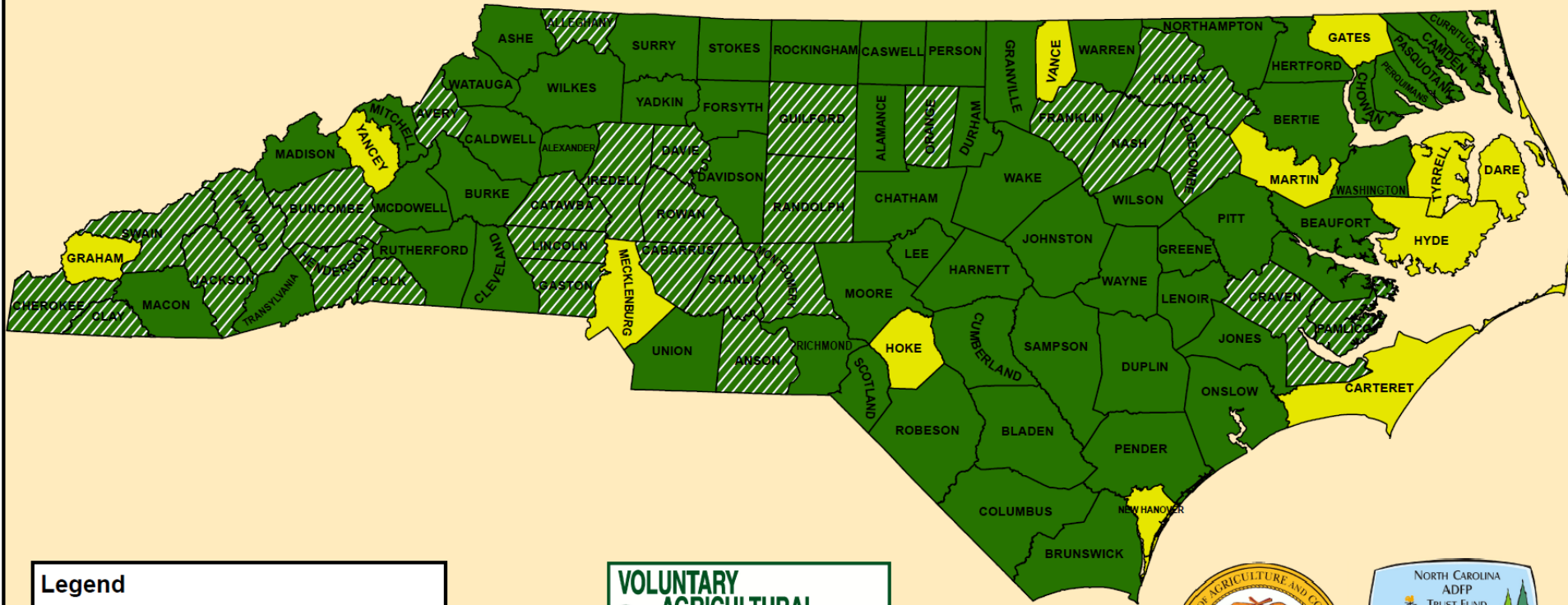
2018 Regional Preservation Workshops Agenda

Time	Session
9:30 AM	Welcome
9:40 AM	VAD Program Overview
10:00 AM	How to Find and Sustain Local Leadership
10:45 AM	Break – Refreshments brought to you by Farm Bureau
11:00 AM	Legal and Technical Issues
12:00 PM	Lunch - Brought to you by the North Carolina Farm Credit Network and the NC State Grange
1:00 PM	The Importance of Local Data and GIS
1:45 PM	How VAD Fits in the City/County Planning Process for NCDOT
2:45 PM	Other Conservation Programs for Landowners
3:15 PM	Question and Answer Session
3:30 PM	Adjourn

Voluntary Agricultural Districts Overview




- N.C. General Statutes Chapter 106, Article 61: The Farmland Preservation Enabling Act allows counties to adopt ordinances which provide for voluntary ag districts.
- § 106-738(b): The purpose of such agricultural districts shall be to increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms.
- The VAD program is a county-level ordinance that establishes an Agricultural Advisory Board that provides a voice for farm, forestry and horticultural interests in local government.

VOLUNTARY AGRICULTURAL DISTRICTS



Legend

88 Counties with VAD Programs

-  Voluntary Agricultural District Programs (59)
 Enhanced VAD Programs (29)
 None (12)



VAD Statewide Statistics

Farms Enrolled in the VAD Program Statewide	9,529
Acres of Farmland Enrolled in the VAD Program Statewide	782,423
Farms Enrolled in the Enhanced VAD Program Statewide	654
Acres of Farmland Enrolled in the Enhanced VAD Program Statewide	50,931
Total Farms Enrolled in the VAD and EVAD Program Statewide	10,183
Total Acres of Farmland Enrolled in the VAD and EVAD Program Statewide	833,354

VAD Benefits

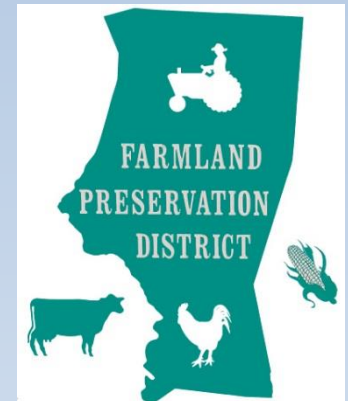
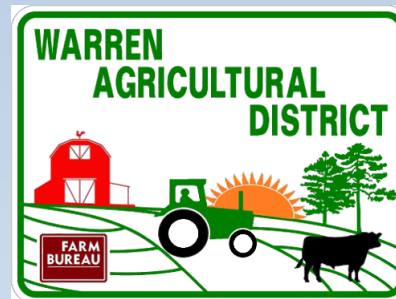
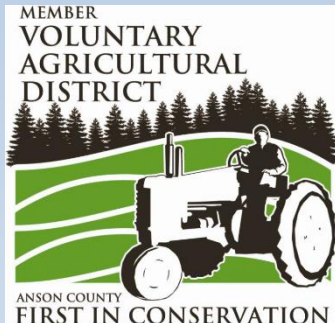
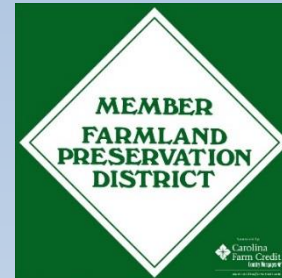
- § 106-739. Agricultural advisory board
 - Must be formed to comply with statute
 - Review and make recommendations concerning the establishment and modification of agricultural districts, and any ordinance or amendment adopted or proposed for adoption
 - Advises Board of Commissioners on agricultural issues
 - Runs VAD program (assistance from administrative entity like Soil and Water)
 - Holds public hearings on public projects affecting agriculture, especially condemnation of farmland
 - Each district must be represented on Board
 - Majority of the Board should be actively engaged in farming

VAD Benefits

- § 106-740. Public hearings on condemnation of farmland
 - “...may provide that no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district under this Part or an enhanced voluntary agricultural district under Part 3 of this Article until such agency has requested the local agricultural advisory board established under G.S. 106-739 to hold a public hearing on the proposed condemnation.”
 - The Ag Advisory Board submits written findings and a recommendation to the decision-making body of the agency proposing acquisition.
 - Have 30 days after receiving a request to hold the public hearing and submit its findings and recommendations to the agency.
 - The agency may not formally initiate a condemnation action while the proposed condemnation is properly before the advisory board within these time limitations.

VAD Benefits

- § 106-741. Record notice of proximity to farmlands
 - County Geographic Information System (GIS) to notify the public of tracts or parcels “**within one-half mile of a voluntary agricultural district.**”
 - Deed notation
 - Mapping
 - Signage



VAD Benefits

- § 106-742. Waiver of water and sewer assessments
 - “A county or a city that has adopted an ordinance under this Part may provide by ordinance that its water and sewer assessments be held in abeyance, with or without interest, for farms, whether inside or outside of a voluntary agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.”
 - The ordinance may provide that, when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
 - Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
 - Nothing in this section is intended to diminish the authority of counties or cities to hold assessments in abeyance

Qualifying Farmland

- To qualify for inclusion in an Ag District, farmland must:
 - Meet definition of “Agriculture” from N.C.G.S. 106-581.1
 - Crops, horticulture, forestry
 - Livestock and dairy (includes poultry, horses, and bees)
 - Aquaculture
 - Agritourism and value-added operations for items produced on the farm
 - Public or private grain warehouse or warehouse operation
 - General farm operations
 - Managed on accordance with NRCS practices for highly erodible land
 - Subject to a 10-year Conservation Agreement

Qualifying Farmland - Minimum Acreage Requirement

- County Commissioners set minimum required acreage.
- May require one or more farms

Conservation Agreement

- Landowner agrees to use land only for farm purposes for next ten years
- Allows creation of up to three residential lots
- Freely revocable by landowner upon written notice to the County
- May be recorded

Enhanced Voluntary Ag District Programs

- Requires a 10 year irrevocable Conservation Agreement
- Must be recorded
- Automatically renews for 3 years after the initial period unless notice is given by the landowner
- § 106-743.5. Waiver of utility assessments
 - All assessments for utilities provided by that county or city are held in abeyance, with or without interest, for EVAD farms
 - Similar provisions as for VADs and the waiver of water and sewer assessments
- Offers additional benefits to the landowner:
 - May sell nonfarm products without losing zoning exemption.
 - 90% cost share
 - EVAD may receive priority consideration for grants.

Advantages of Ag District Program

- It's completely voluntary
- It's flexible - counties may add other programs to be run by Ag Advisory Board for the Ag Districts

Limitations of Ag District Program

- Protection against nuisance suits is not absolute
- It's not uniform statewide

Adopting a VAD Ordinance

- Stakeholder meetings
- Support from county leadership, county agencies, private and nonprofit partners, and farmers and landowners
- Development of VAD ordinance
 - Models ordinances are available
- Approval from County Manager and County Attorney
- Passage by County Board of Commissioners

FAQs

- How are municipalities affected by the VAD ordinance?
- Is there assistance available to develop an ordinance?
 - ADFP Trust Fund grants are available to fund the development of the VAD ordinance. Grant Cycle XII opens October 15, 2018
- What resources are available to counties?
 - State VAD Workgroup
 - Coming soon: www.NCVAD.org
 - Documents, links, and contact information available through www.NCADFP.org

Questions?



How To Find and Sustain Local Leadership for your VAD

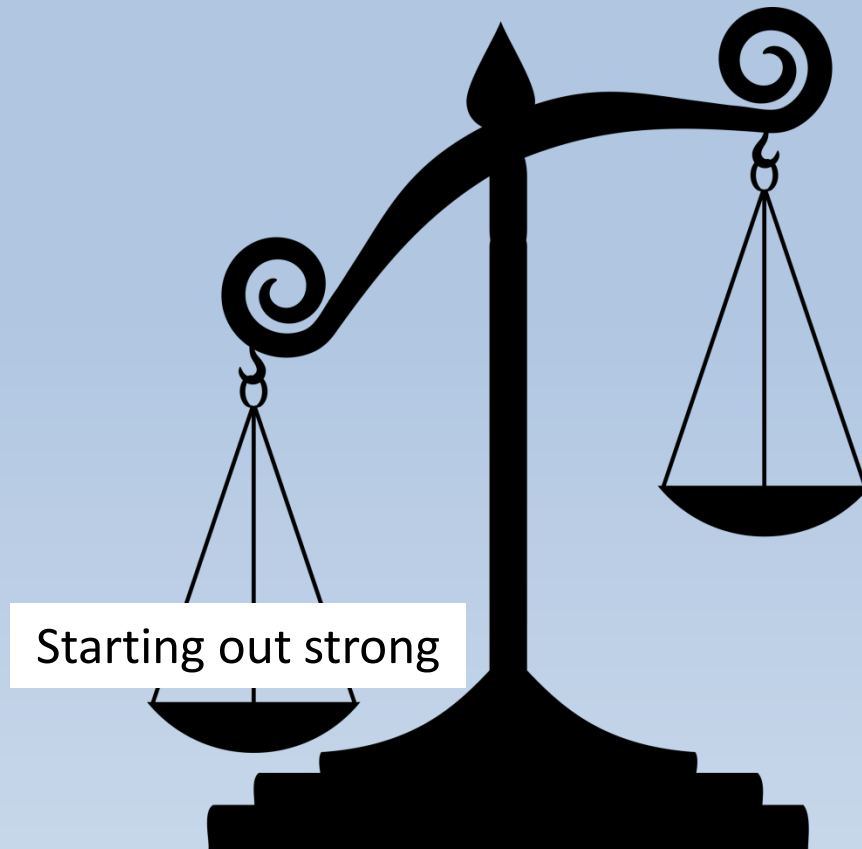


Cast Your Vote

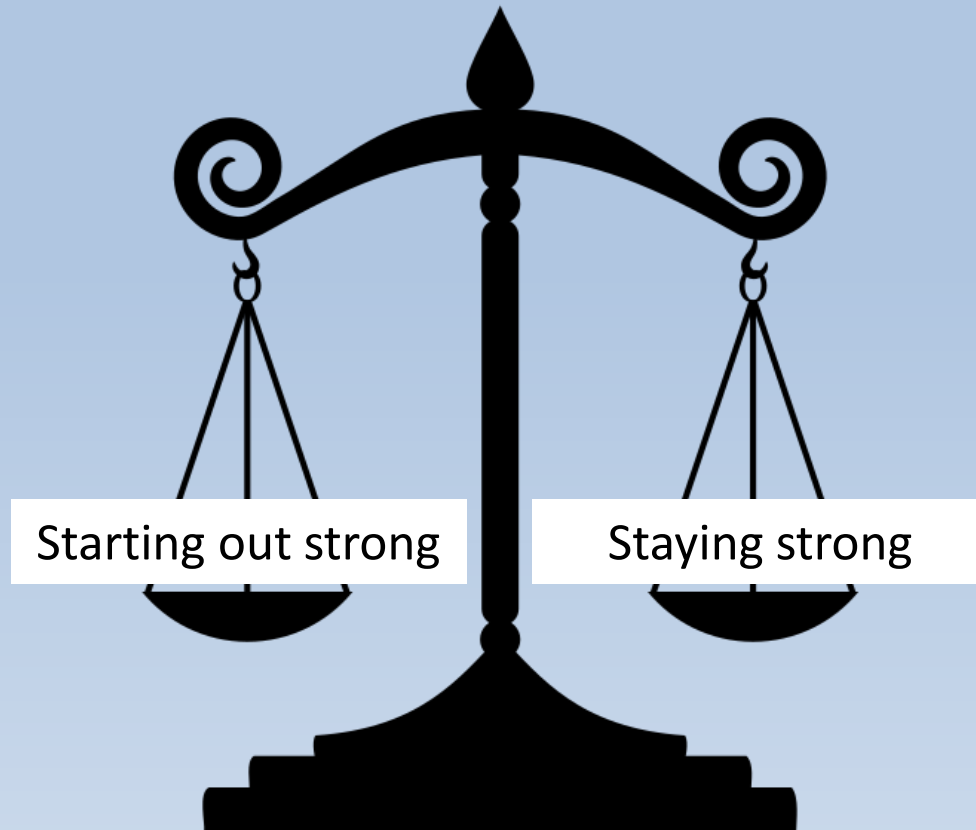
- On a scale of 1 to 3, with 1 being the strongest, 2 is medium, and 3 is needs improvement:
 - How do you rate the leadership and activeness of the Agricultural Advisory Board (VAD Board)?
 - How well known is the VAD program in your county?
 - How do you rate your program overall?



There is almost always interest in starting a VAD and strong leadership is present. The key is maintaining it.



- Motivated administrators
- Community leaders
- New active members



Do you know how your VAD started?

- How did the initial conversation about a VAD program begin? With farmers and landowners? County staff? Elected officials?
- Who were the major stakeholders involved in the planning, development, and passage of the VAD ordinance?
- What were the hurdles? Where did you find support?



What makes a strong VAD program?

- Staff that takes a leading role with program administration
- Adding landowners and acreage every year
- Keeping the program current by reviewing the VAD files annually
- Keeping board members enthusiastic and challenged



How many of these questions can you answer?

- 1. What is the purpose of your VAD?
- 2. What is the vision of your VAD?
- 3. What are the goals of your VAD?
- 4. What is being done to accomplish those goals?
- 5. What *should* your board members be doing, what are they *willing* to do, and what *are* they doing?
- 6. What has your VAD accomplished both long term and during the past year?



How many of these questions can you answer?

- 7. Have you asked your board members to compile a list of future women and men to serve on your AAB?
- 8. How are you publicizing or communicating the accomplishments of your VAD?
- 9. What is being done each year to recruit landowners to sign-up for your VAD?
- 10. Are meetings of your AAB orderly and with an agenda?
- 11. What is the condition of the economy, farms and forestry in your county?
- 12. Is there anything that farms and forestry operations in your county need that the VAD can address?

Johnston County Voluntary Agricultural District Program



What is a Voluntary Agricultural District?



A Voluntary Agricultural District is a voluntary program for landowners that recognizes the importance of agriculture in Johnston County.



(It falls under the 1985 Farmland Preservation Enabling Act (GS 106-61-738) which authorizes counties to establish farmland preservation programs such as VAD's and EVAD's.)

What is the purpose of the Voluntary Agricultural District Program?

- To recognize the importance of agriculture as part of Johnston County's heritage
- To increase identity and pride in the agricultural community
- To recognize the economic value of agriculture in Johnston County
- To help prevent nuisance lawsuits against farmers

Who Can Become a Member?

Any Landowner who has:

- 25 Acres of farmland –
OR - up to 3 farms within ½ mile of each other
with combined acreage meeting 25 acre
requirement
- 20 Acres of Woodland/Forestland
- 5 Acres of Horticulture

Johnston County VAD

Johnston County Board of
Commissioners approved
VAD Ordinance in 2006

9 Member VAD Board

5 represent geographic regions

4 represent appointments from Ag Depts.

Staggered terms of service

How the Program Operates

- Farmers/Landowners fill out application for Membership in the Voluntary Agricultural District
- Voluntary Agricultural District Advisory Board reviews and approves applications to verify eligibility
- Notices are sent to approved Members along with complimentary signage
- Information is sent to register of deeds, GIS, and Planning Dept. for record keeping and maps
- Public Notices are posted in County Offices informing potential land purchasers that a VAD exists
- Signage is installed on designated property

Johnston VAD Application



Johnston County Voluntary Agricultural District Program Membership Application

FOR OFFICE USE ONLY

Date rec'd: _____
Land Use Verification: Yes _____ No _____
Approval Date: _____
Notification Sent: _____

APPLICANT(S):

Name(s): _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ (Work or Cell) _____ Email Address (if applicable) _____

PROPERTY INFORMATION:

- 1) Tax Parcel ID # _____ Number of Acres _____ USDA Farm # _____ Tract # _____
Address _____
- 2) Tax Parcel ID # _____ Number of Acres _____ USDA Farm # _____ Tract # _____
Address _____
- 3) Tax Parcel ID # _____ Number of Acres _____ USDA Farm # _____ Tract # _____
Address _____
- 4) Tax Parcel ID # _____ Number of Acres _____ USDA Farm # _____ Tract # _____
Address _____

JOHNSTON COUNTY VOLUNTARY AGRICULTURAL DISTRICT AGREEMENT

If certified by the Agricultural Advisory Board, I (we) agree to sustain, promote, and encourage agriculture in the district. I (we) agree to prohibit non-farm use of the land under this program for a period of ten (10) years from the date certified by the Agricultural Advisory Board. This agreement may be revoked by the landowner by written notice to the Board or the Board may revoke such agreement based on non-compliance by the landowner.

Signed: _____ Date: _____
Landowner(s)
Signed: _____ Date: _____
Landowner(s)

MAIL TO:

Johnston Soil and Water Conservation District
Attn: Voluntary Agricultural District Program
2736 NC Highway 210
Smithfield, NC 27577

JOHNSTON COUNTY, NORTH CAROLINA

I _____, a Notary Public for _____ County,
North Carolina, do hereby certify that _____ personally _____
came before me this day and acknowledged the execution of this foregoing instrument. _____ Notary Public
Witness my hand and official seal, this _____ day of _____, 20____.

(seal)

My commission expires _____.

SIGNAGE

Approved VAD Members will receive a complimentary 6"x12" sign that can be mounted beneath their mailbox or similar post

Additional signage may be purchased through the Johnston Soil and Water Office:
24" x 18" or 24" x 36"

- The Johnston County Voluntary Agricultural District Program was made in part by a grant from the NCDA Agricultural Development and Farmland Preservation Trust Fund and a donation from Johnston County Farm Bureau.
- The VAD Program is governed by the Johnston County VAD Board
- The VAD Program is administered by the Johnston County Soil and Water Conservation District

VAD Members located in
unincorporated areas of
Johnston County not in Cities
or Towns due to growth and
expansion of ETJ's.

Establish MOU's between
County and Town

Memorandum of Understanding between County and City/Town to allow members in the Johnston County VAD

Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING
BETWEEN
COUNTY OF _____
AND
CITY/TOWN OF _____**

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the County of _____, hereinafter referred to as the County, and the City/Town of _____, hereinafter referred to as the Municipality.

A. PURPOSE:

The purpose of this memorandum is to continue to develop and expand a framework of cooperation between the County and the Municipality to develop mutually beneficial Voluntary Agricultural District Programs.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The inhabitants of both the County and the Municipality have recognized the need to promote agricultural values and the general welfare of their communities and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; and increase protection from non-farm development and other impacts on properly managed farms; and have therefore enacted ordinances authorizing the creation of Voluntary Agricultural Districts.

C. RESPONSIBILITIES

THE COUNTY AND MUNICIPALITY SHALL:

1. Acknowledge and respect such programs that have been established within one or the other's jurisdiction prior to the enacting of this memorandum.
2. Coordinate respective programs to maximize their benefits to the people of _____ County and the city/town of _____.
3. Ensure that farmland, horticultural land and forestland in a county-operated Voluntary Agricultural District within municipal city-limits prior to the enactment of NCGS § 106-736 (prior to September 13, 2005) is transferred to the municipal Voluntary Agricultural District program, without loss of benefits, as soon as practicable after adoption of the Johnston County Voluntary Agricultural District ordinance by the city/town of _____. Such farmland, horticultural land and forestland in a county-operated Voluntary Agricultural District program shall remain in that program until the transfer is made.

Memorandum of Understanding

4. Ensure that farmland, horticultural land and forestland in a county-operated Voluntary Agricultural District or Enhanced Voluntary Agricultural District is transferred to the city/town of _____ upon annexation of that land by the city/town of _____, without loss of benefits to the landowner.

D. CONTACTS AND ACKNOWLEDGEMENT

1. **PRINCIPAL CONTACTS.** The principal contacts for this instrument are:

County Contact:	Municipality Contact
Name _____	Name _____
Phone _____	Phone _____
Fax _____	Fax _____
E-mail _____	Email _____

2. **NON-FUND OBLIGATING DOCUMENT.** This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.
3. **COMMENCEMENT/EXPIRATION DATE.** This instrument is executed as of the date of last signature and is effective in perpetuity.
4. **REVOCATION OF AGREEMENT.** By providing 90 days written notice to the Voluntary Agricultural District Advisory Board, the Town may revoke this Memorandum of Understanding.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

County Representative:	Municipality Representative
By: _____	By: _____
Date: _____	Date: _____
Title: _____	Title: _____

VAD Parcel Revision Form



Johnston County Voluntary Agricultural District
Parcel Acreage Revision/Withdrawal Form

Landowner Name _____

NEW Landowner Name _____
(if applicable)

Landowner Address _____

Original Parcel Number for VAD Membership _____

Book No. _____ Page No. _____

Original Acreage Recorded _____ Revised Acreage to be Recorded _____

New Parcel Number for VAD Membership (if applicable) _____

Parcel Removal – Parcel ID Number _____ Acreage _____

Acreage Revision Witness Signature

I, _____, hereby certify that the above acreage revision is accurate to the best of my knowledge, based on Johnston County Tax Records and/or Landowner request.

Signed _____ Date _____
VAD Chairman

Johnston County, North Carolina

Signature Witness by Notary Public

I, _____, do hereby certify that _____ personally appeared before me this day acknowledging to me that he/she signed the forgoing document above.

Witness my hand and official seal, this _____ day of _____, 20____.

My commission expires _____, 20____.

Notary Public Signature

(SEAL)

Record Keeping is Key to Program Maintenance

- Data spreadsheets for VAD Membership
- Filing system for VAD Member Files
- Spreadsheet to track sales of signs
- Catalogue of notes from Farmland Meetings

Johnston VAD Successes

- Diverse VAD Board
- No fee for enrollment or withdrawal
- Establishment of MOU's with Towns
 - Farmland Preservation Meetings
 - Develop process for parcel removal
 - Maintain Ag presence in the County
- Good working relationship with ROD and GIS departments

Voluntary Agricultural District

When you see this sign.....



You can expect this....



.....Or this



Johnston County Voluntary Agricultural District Program

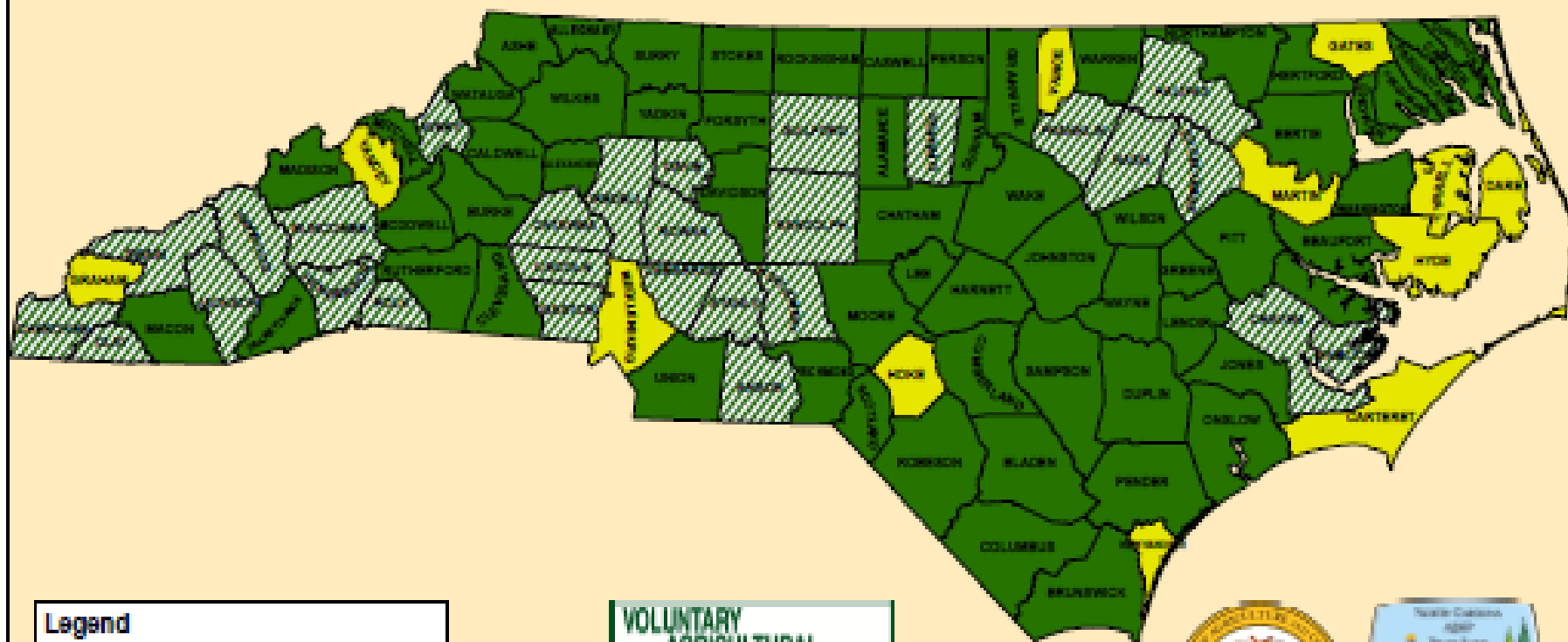
Current Enrollment for Johnston County

531 Parcels

17,278.43 Acres

157 Landowners

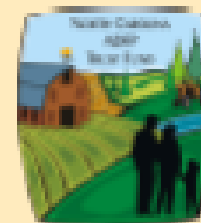
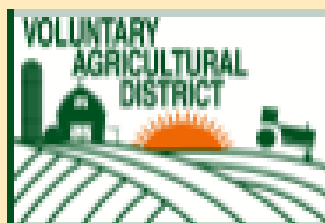
VOLUNTARY AGRICULTURAL DISTRICTS



Legend

88 Counties with VAD Programs

- Voluntary Agricultural District Programs (80)
- Enhanced VAD Programs (28)
- None (12)



Thank You!

Break



Review of State Law Requirements and Local Government
Discretion

LEGAL ISSUES IN VAD AND EVAD

MINIMUM ACREAGE

Counties have differing goals

- Some want to protect urban farms
- Some more focused on larger ag areas

Counties and municipalities have discretion to set their own minimum acreage. No longer tied to Present Use-Value

RECORD NOTICE

- ✗ Could be stand-alone ordinance
- ✗ Property within 600 feet of any ag operation
- ✗ Property within 1/2 mile of :
 - + Poultry or swine operation
 - + Ag District

Where may county exercise discretion?

ENFORCEMENT OF CONSERVATION AGREEMENT

- ✗ VAD – What is there to enforce?
- ✗ EVAD – Irrevocable for 10 years
 - + Who monitors and enforces?
 - + Where does the money for enforcement come from?
 - + Injunction, Penalty, Recoupment of Benefits
 - + What specific enforcement rights do counties have?

AG ADVISORY BOARD

- ✕ State Law Requirements
 - + VAD statute
 - + Other state requirements

REPRESENTATION ON AG ADVISORY BOARD

- ✘ State law requires “that each (such) district have a representative on the agricultural advisory board.”
- ✘ How many counties know which district their board members represent?

HEARINGS ON CONDEMNATION

- ✗ Not Applicable to Private Condemnors
- ✗ 30-Day Timeframe
- ✗ Notice
- ✗ Open Meetings Law
- ✗ Specific Issues to be Discussed

REMOVING LAND FROM VAD

- ✗ Voluntarily
 - + Removing part of a farm
- ✗ Involuntarily
 - + Appeal Rights

Removal of notations in Register of Deeds/Tax Office




What is a bona fide farm?

And why does it matter?

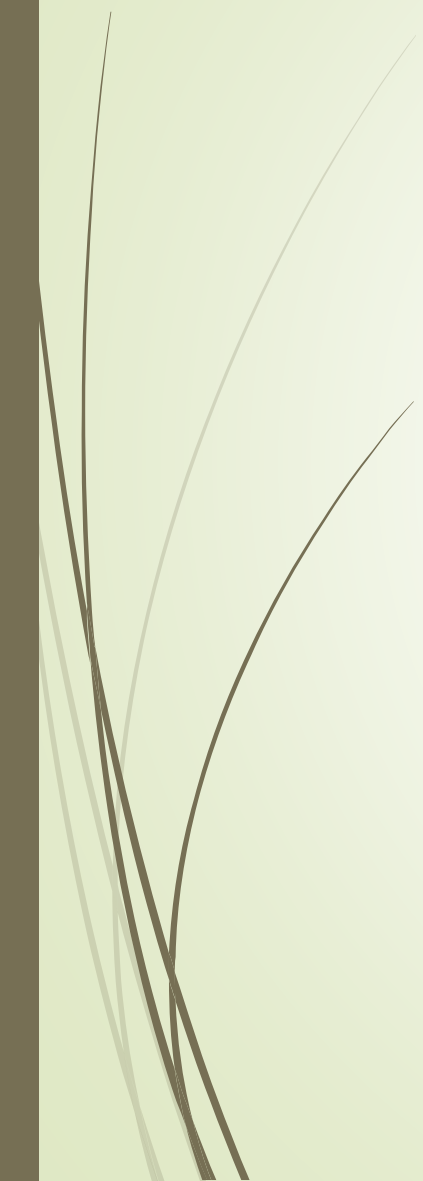


Bona fide farm purposes (from § 153A-340)

- production and activities relating or incidental to the production of:
 - Crops
 - Grains
 - Fruits
 - Vegetables
 - Ornamental and flowering plants
 - Dairy, livestock, poultry
- and all other forms of agriculture, as defined in **G.S. 106-581.1**



§ 106-581.1. Agriculture defined.

- "agriculture", "agricultural", and "farming" refer to all of the following:
 - (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
 - (2) The planting and production of trees and timber.
 - (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
 - (4) Aquaculture as defined in G.S. 106-758.
- 



§ 106-581.1., continued...

- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) **When performed on the farm**, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, **agritourism**, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.



§ 153A-340 continued...

- **"when performed on the farm"** in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located.
- the production of a **nonfarm product** that:
 - the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product
 - is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.
 - Examples:



§ 153A-340 continued...


Sufficient evidence

- sufficient evidence that the property is being used for bona fide farm purposes:
 - a. A farm sales tax exemption certificate issued by the Department of Revenue.
 - b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
 - c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
 - d. A forest management plan.



§ 153A-340 continued...

What about an agritourism building?

- ▶ Yes, if it is on a property owned by a person who:
 - ▶ holds a qualifying farmer sales tax exemption certificate from the Department of Revenue **or**
 - ▶ is enrolled in the present-use value program
- 



§ 153A-340 continued...

What is an agritourism building?

- used for public or private events, including, but not limited to:
 - Weddings
 - Receptions
 - Meetings
 - Demonstrations of farm activities
 - Meals
 - Other events that are taking place on the farm **because of its farm or rural setting.**



§ 153A-340 continued...

What is agritourism?

- "agritourism" means:
 - any activity carried out on a farm or ranch that:
 - allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including:
 - farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions.



Why is bona fide farm use important?

County Zoning...

- County Zoning regulations do not affect property used for bona fide farm purposes (§ 153A-340)
- However, the use of farm property for nonfarm purposes is still subject to zoning (§ 153A-340)



Why is bona fide farm use important?

City/Town Zoning...

- ▶ Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from exercise of the municipality's extraterritorial jurisdiction § 160A-360(k)
- ▶ Property that is being used for bona fide farm purposes on the date of the resolution of intent to consider annexation may not be annexed without the written consent of the owner or owners of the property. § 160A-58.54(c)



Why is bona fide farm use important?

The Building Code...

- Certain farm buildings are exempt from the Building Code.
- North Carolina State Building Code: a "farm building" means any nonresidential building or structure that is used for a bona fide farm purpose as provided in G.S. 153A-340.



Why is bona fide farm use important?

Ag Cost Share...

- Must be a bona fide farm under G.S. 153A-340(b)(2) to be eligible for Agricultural Cost Share Program under G.S. 106-850(b)(10).



Why is bona fide farm use important?

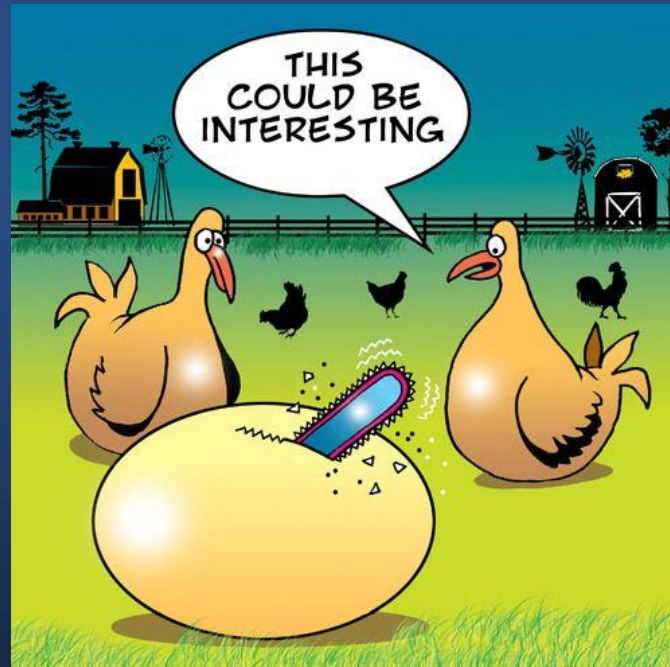
VAD and EVAD...

- ▶ Although being “bona fide” is not required for VAD and EVAD, bona fide farms certainly qualify, and so receive the following benefits:
 - ▶ Public hearings on condemnation of farmland
 - ▶ Record notice of proximity to farmland
 - ▶ Waiver of water and sewer assessments.
 - ▶ If in an EVAD conservation agreement, may receive up to twenty-five percent (25%) of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations (EVAD only).
 - ▶ If in an EVAD conservation agreement, eligible under G.S. 106-850(b) to receive the higher percentage (90%) of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program (EVAD only).

Lunch



Utilization of Geographic Information Systems (GIS) to Map Voluntary Agriculture Districts

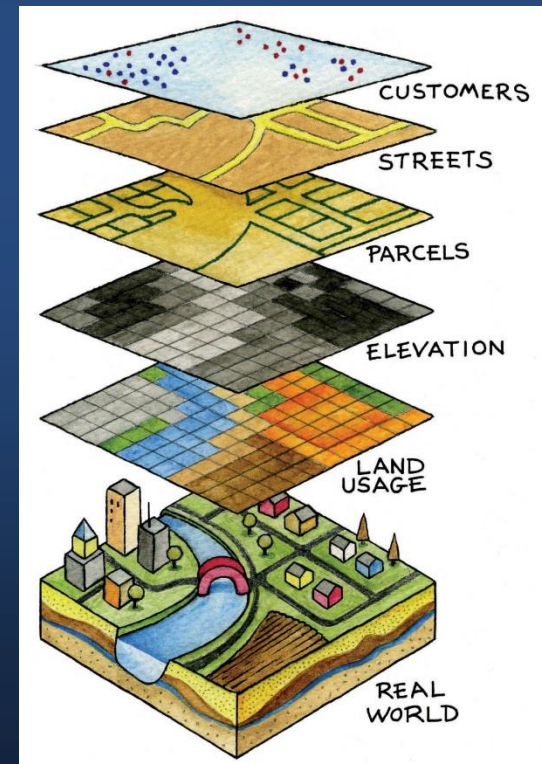


Daniel Madding
GIS Manager

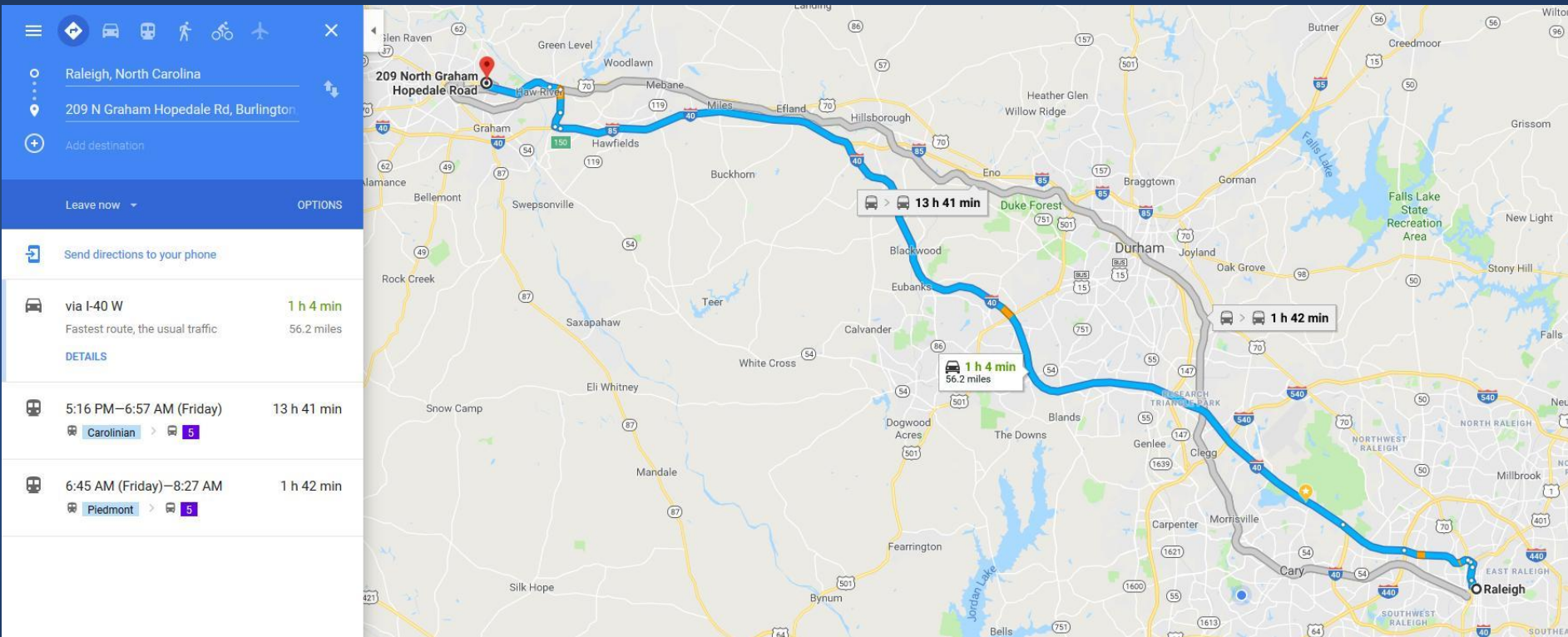
What is GIS

Geographic Information Systems (GIS)

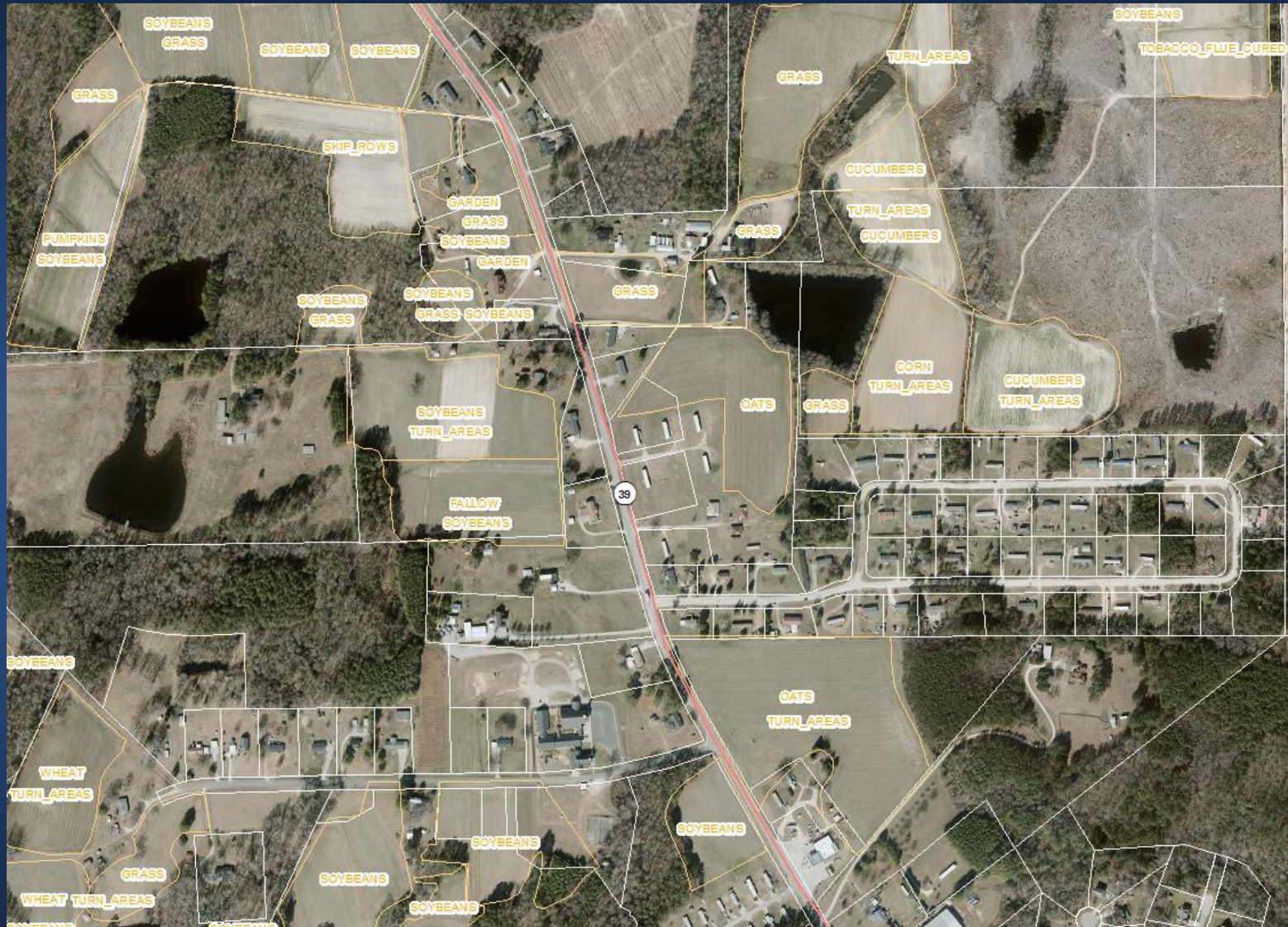
- Is computer software that enable users to capture, store, analyze and manage data spatially.



Google Maps is GIS

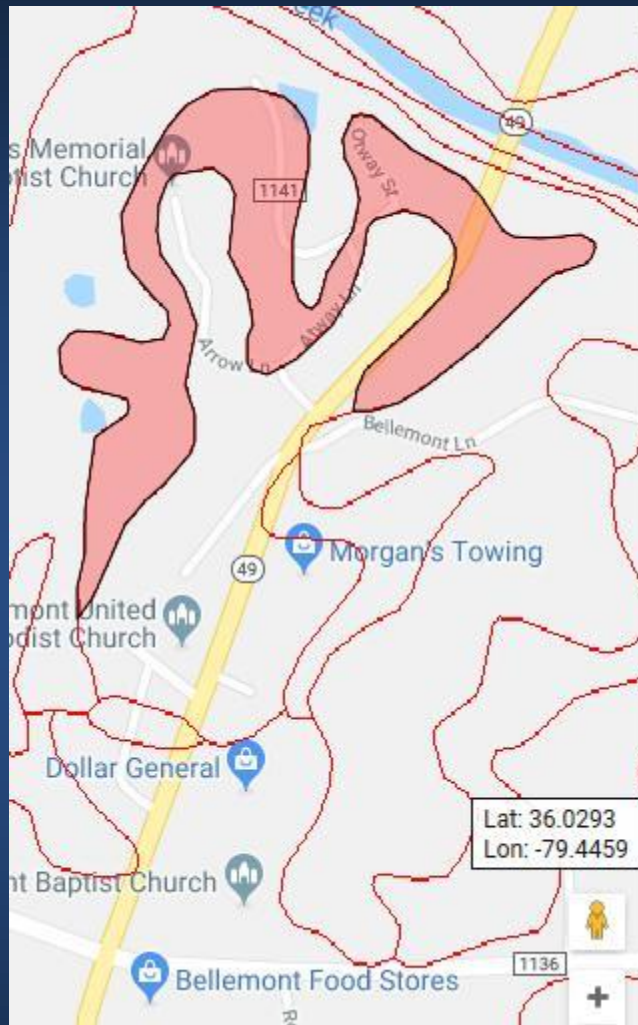


Using GIS we can..



In under a minute, tell who owns any parcel of land in NC. FSA

Realist Yields Expectation – GIS Example



Realistic Yields for EeC2: Enon loam, 6 to 10 percent eroded (Wynott) in Albemarle County

Crop	Yield	Nitrogen Factor	Realistic Nitrogen Rate (lbs/acre)
Bahiagrass (Hay)	3	43	129
Barley (Grain)	65 Bushels	1.47	95
Caucasion/Old World Bluestem (Hay)	3.2	43	138
Common Bermudagrass (Hay)	3	43	129
Corn (Grain)	120	0.9	108
Corn (Silage)	18.4 Tons	10.7	197
Cotton	560 Pounds	0.073	41
Dallisgrass (Hay)	3	43	129
Fescue (Hay)	4	43	172
Hybrid Bermudagrass (Hay)	4	43	172
Hybrid Bermudagrass overseeded with	0	43	0
Barley (Grain)	56 Bushels	1.49	
Corn (Grain)	105 Bushels	0.92	
Corn (Silage)	11 Tons	10.9	
Cotton	460 Pounds	0.081	
Sorghum (Silage)	9.4 Tons	7.6	
Oats (Grain)	70 Bushels	1.13	

<http://www.ncmhtd.com/rye/>

TEAM GIS Example

TEAM -- Tool for Environmental, Agricultural and Military reporting

Location Search: jacksonville, Nc

Table of Contents:

- Reference
- ☒ **Parcels** (No legend)
- Environmental Considerations
- Historic Preservation Data
- Military Considerations

* Zoom-in to make layers demoted in grey available

Disclaimer

Parcel Data

Parcel Info | MPA | CPA

Generate Report

Conservation Partnership Areas

NC Natural Heritage Managed Areas:	NO
Streams:	NO
Targeted Local Watersheds for Mitigation:	YES
NC Historic Points of Interest:	NO
Agricultural Land:	NO
NWI Wetlands:	YES
Soils (Hydric Rating):	YES
NC Natural Heritage Natural Areas:	NO

Zoom to

Designed to help land owners find potential conservation funding sources.

Conservation Easements – GIS Example

<https://www.ncmhtd.com/environmentalprograms/adfpt/>

NCDA&CS ADFP Trust Fund Easement Viewer

Search

mil

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🔍

Table of Contents

Reference

☒ ADFPT Easements ⓘ

☐ Parcels ⓘ

☒ County Boundary ⓘ

Environmental >

* Zoom-in to make layers demoted in grey available

Disclaimer >

+

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1177

ADFPT Easement

Nutter Family Farm

Triangle Land Conservancy

Orange

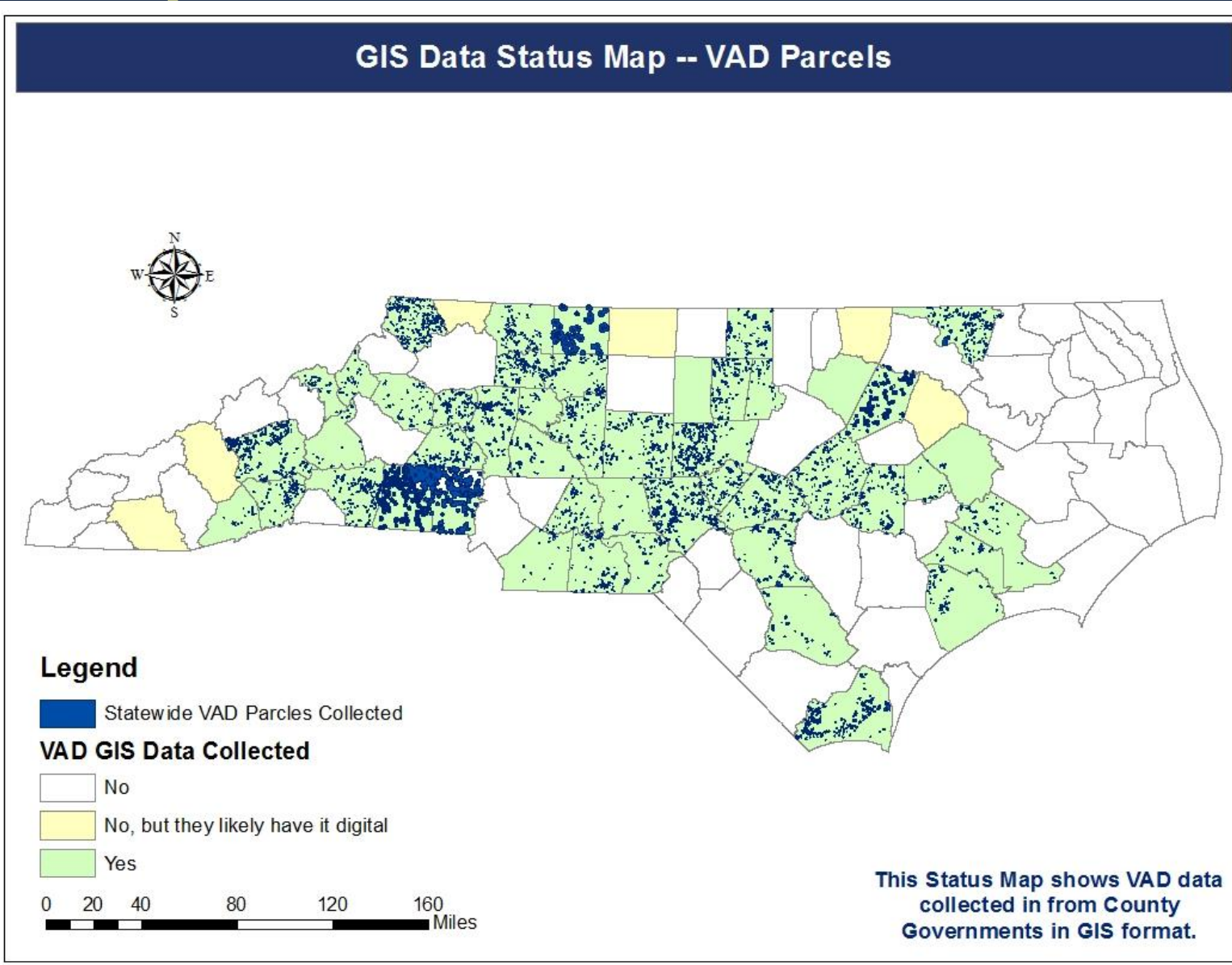
SPO File No: FARM-068.001

Easement Acreage: 81.34

Get Directions

Zoom to

Map of VAD data in a GIS format



We have VAD data, in a GIS format, for over 50 counties

Where are you with mapping your VAD

◆ 1980s?



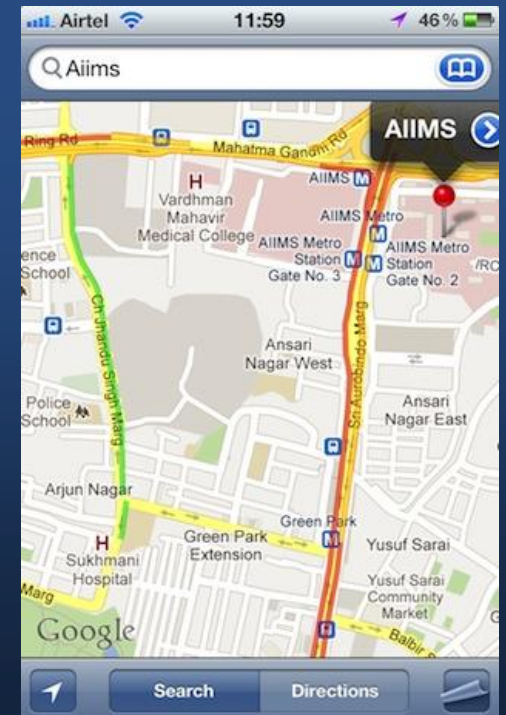
◆ 1990s?



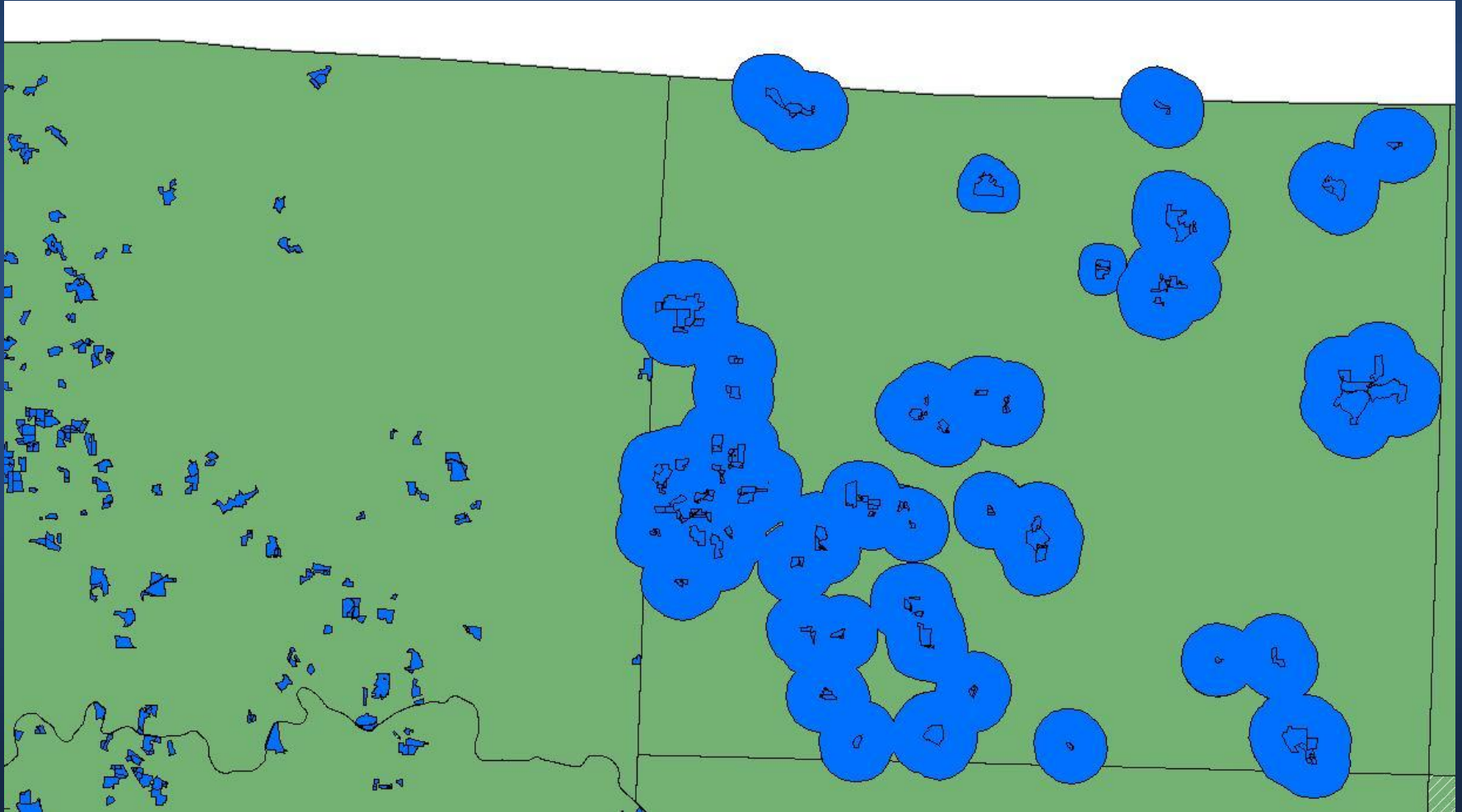
◆ 2000s



◆ Modern?



Parcels in VAD programs vs. Districts



Minimum Information to store in your VAD dataset

- ☒ PIN
- ☒ PARCEL_ID_
- ☒ NAME_
- ☒ ADDR_
- ☒ CITY_
- ☒ ZIPCD_
- ☒ COUNTY_
- ☒ ACRES_
- ☒ DATE_ENROL
- ☒ DATE_RENEW
- ☒ DATA_DATE

Owner names

Mailing Address (Street, City, St, Zip)

County – GIS can add

Acres – GIS can only add GIS Acres

Date Enrolled

Date Renewed – If applicable

Statewide_VAD_2015

PIN	PARCEL_ID_	NAME_	ADDR_	CITY_	ZIPCD_	COUNTY_	ACRES_	DATE_ENROL	DATE_RENEW	DATA_DATE
591900954702		JOHNSON FAMILY FARM LLC	LOUISE AV			Surry	0	<Null>	<Null>	2014
409002958921		JOHNSON FAMILY FARM LLC	OLD LOWGAP S RD			Surry	0	<Null>	<Null>	2014

0 (0 out of 12560 Selected)

Attributes (data) for the overachievers

- ◆ Applicant
- ◆ Determinant (Approved)
- ◆ Agreement ID (to tie back to other data)
- ◆ Application Data
- ◆ Historically Enrolled (Do you want in-actives)
- ◆ EVAD – (Yes No)

PINS vs. Tax IDs

Parcel Indentation Numbers or “PIN”

Do NOT have letters. Normally 10-16 numbers.

Full PINs are unique statewide

- ◆ 00-4410-10-8811-55 — True format, not common
- ◆ 4410-10-8811 — more common
- ◆ 4410.10-8811

Tax ID are from a tax system and can have letters.

- ◆ T012-12_A99
- ◆ 0123456

What we can do to help

More than happy to help you make GIS data for your VAD parcels.

Your County GIS staff or Land Records staff is also a good resource
– Just ask, but don't ask them to go thorough a file cabinet

If you have an accurate, electronic list of PINs for your VAD parcels,
-- Making a GIS layer is around 15 minutes of work



Questions?

Warning,
If there are no questions,
I ask questions

Daniel.Madding@ncagr.gov



Draft Geographic Information Systems (GIS) Data Template

- **Parcel Identification Number (PIN)**
- **Tax Identification Number (optional)**
- **Owner Name 1**
- **Owner Name 2 (if needed)**
- **Physical address**
- **Date parcel was originally enrolled in VAD Program**
- **Date parcel was last enrolled**
- **VAD or EVAD**
- **Present Use Value (PUV) status**
- **Property description**
- **County or municipal VAD Program**

Community & Farmland Impact Assessment at NCDOT



***Tris Ford – Senior Planner - RK&K
Former NCDOT-Human Environment Section-Community
Studies Planner***



Transportation Planning

- **How long to plan, design, and construct a typical highway in NC assuming funding is available?**

- Average is 12 years, although often longer depending on funding

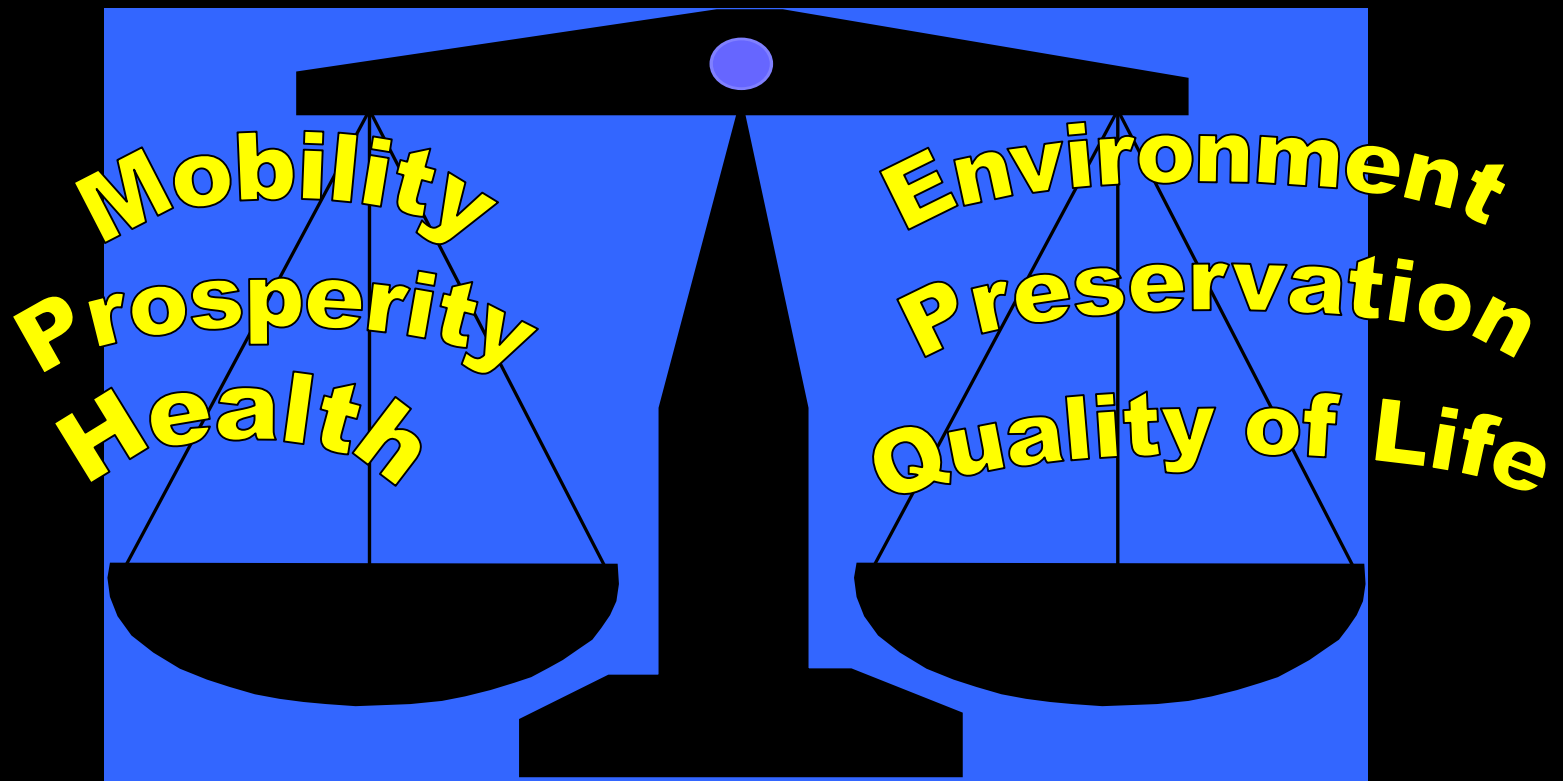


Environmental Laws & Regulations

- **NEPA / SEPA - National Environmental Policy Act**
- **FPPA - Farmland Protection Policy Act (7 USC 4201)**
 - Prime, unique, local & statewide important soils
 - Farms & farm support operations
 - High scores require consideration of impacts in decision process
 - Does not apply to urbanized areas



NEPA / SEPA is a Delicate Balance of all the impacts



NEPA / SEPA is a Delicate Balance of all the interests

- **Not just NCDOT; often includes FHWA**
- **Plus**
 - **USACE**
 - **EPA**
 - **USFWS**
 - **NC DWQ**
 - **NC WRC**
 - **State Historic Preservation**
 - **US Forest Service**
 - **Local governments, & local & regional trans planning organizations**
 - ***ALL have to agree***

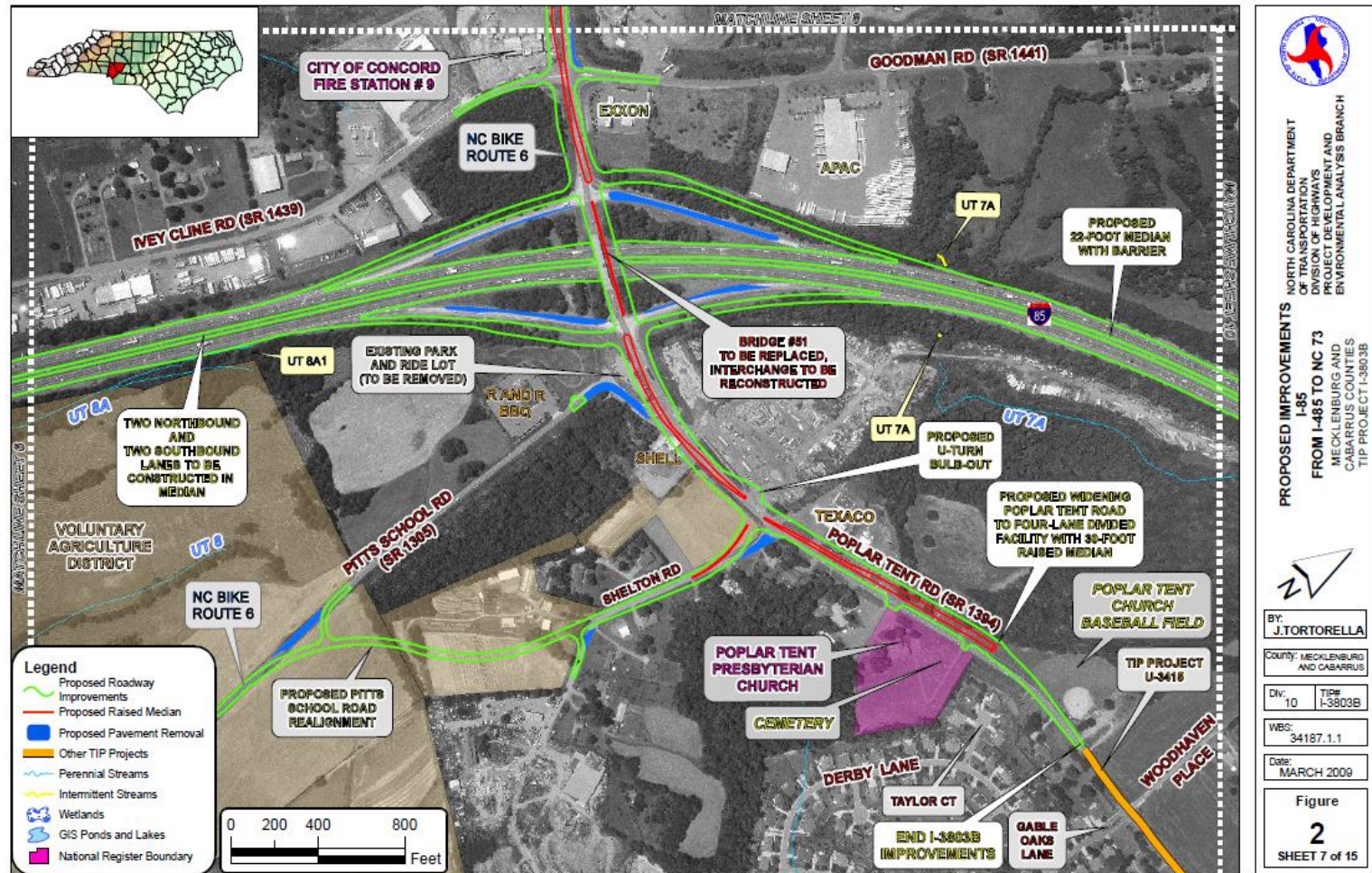


Laws & Regs

- **State of NC Executive Order 96 (Jim Hunt) - Conservation of Prime Agricultural and Forest Lands**
 - Requires identification & disclosure of Prime Soils impacts
- **Local VAD / EVAD ordinances**
 - Sometimes requires NCDOT to request Public Hearing – only if specified within local ordinance
- **Local Farmland Protection Plans**



I-85 Project – Pitts School Road & Barbee Farm (VAD)



I-85 Project – Pitts School Road & Barbee Farm (VAD)

- Discovered we had a VAD
- Preferred Alternative impacted the VAD
- Discussed impacts at our Public Hearing
- Requested local Ag Board VAD Public Hearing



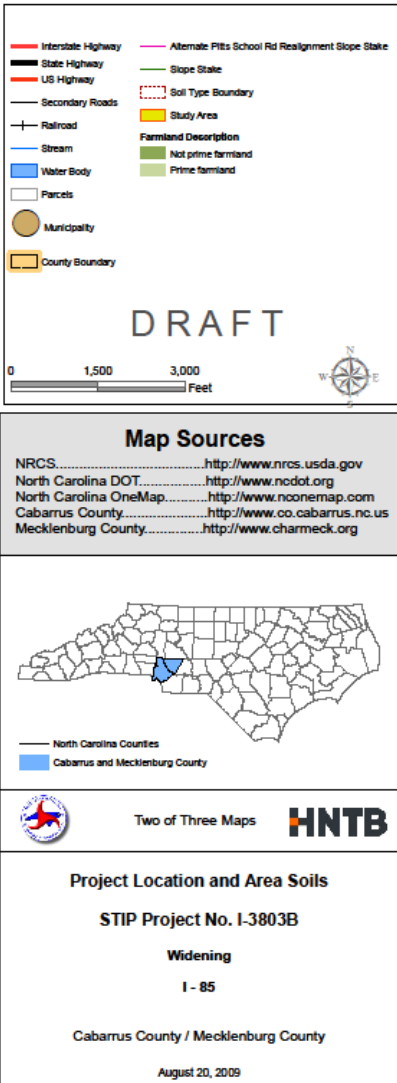
I-85 Project – Pitts School Road & Barbee Farm

But ...

- Not before a whole bunch of people got upset!
- We attended, presented & listened
- Based on VAD presence & public concern about the impacts, NCDOT chose a different alternative alignment
 - *that alignment has a very sharp, almost 90 degree curve*
 - *a balance of impacts, benefits, design compromises – ultimately a more context sensitive design*



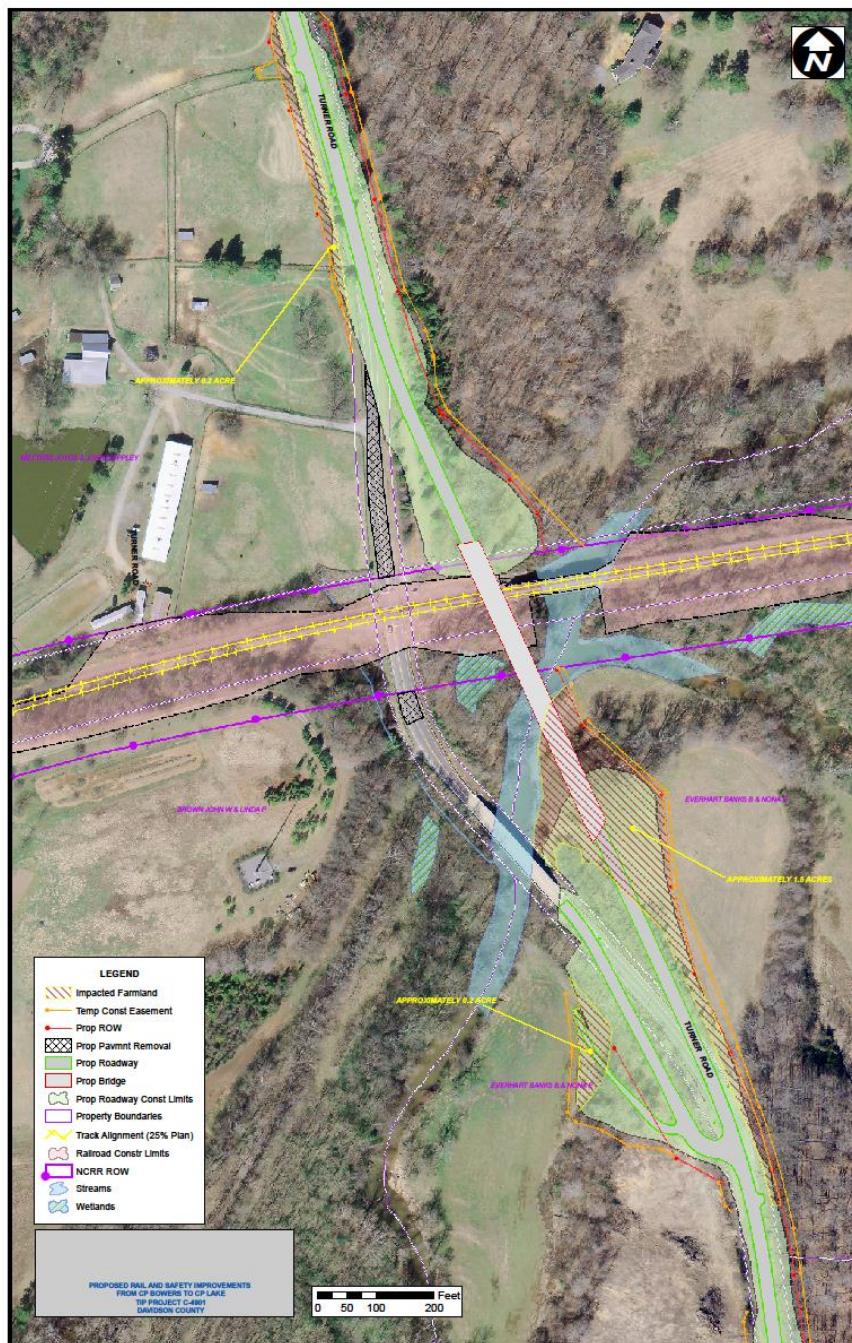
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Turner Road Grade Separation Project

- NCDOT Rail Division corridor upgrade and crossing safety project located in Davidson County between Lexington and Thomasville; part of (SEHSR) corridor
- Proposed bridge impacted a designated VAD
- Per the requirement in the Davidson County VAD Ordinance for condemnations a Public Hearing was held on April 11th, 2012





- **NCDOT presented project details and previously agreed upon mitigation and minimization measures at the VAD PH**
- **Public comment was gathered from affected VAD landowner and adjacent property owner**
- **VAD Board prepared a report with three recommendations based on information gathered**
- **NCDOT agreed to implement Recommendation #2 (to provide a location for an at-grade cattle crossing on Turner Road)**

Public Involvement



Public Involvement

- **Several opportunities for PI**
 - Public Meetings
 - Corridor and/or Design Public Hearings

These are your opportunities to be heard!

- Read the ads & notices, go to the meetings!
 - *VAD owner*
 - *Ag Board members*
 - *NRCS reps*
 - *Local planners*



VADS & EVADs & Public Hearings

- **Local Ordinance *may* require a Public Hearing (by local ag board) immediately before condemnation –**
 - *That's too late!!*
 - *For you and for NCDOT!*
 - *Get involved; & stay involved*
- **NCDOT will request PH (if required) during environmental analysis phase**
 - Will not request one if not required by local ordinance
 - Will identify and disclose VADs & EVADs on our own CIW & PH maps and figures

New VADs after the Alignment Decision

- **New VADs after Project Development**
 - **NCDOT will comply with state law for PH's**
- **Highly unlikely that a new VAD or EVAD will affect an alternative decision that has already been made**
 - Some owners adopted VAD's in an effort to stop a project. Years, and millions of \$\$ have gone into planning and design
 - numerous opportunities for input
 - Cost is millions
 - Requires reopening the environmental documents
 - Time to do so is *years*



Takeaway Points

- Attend NCDOT & MPO/RPO local long range planning meetings in your community (20 years prior to projects)
- Attend PM's for projects in your area (3-5 years before construction)
- Read letters to you from NCDOT
- Respond & communicate





Contact Info



NCDOT- Environmental Analysis Unit

Harrison Marshall - Community Studies Group Leader

hmarshall@ncdot.gov

919-707-6079

Tris Ford - Senior Planner

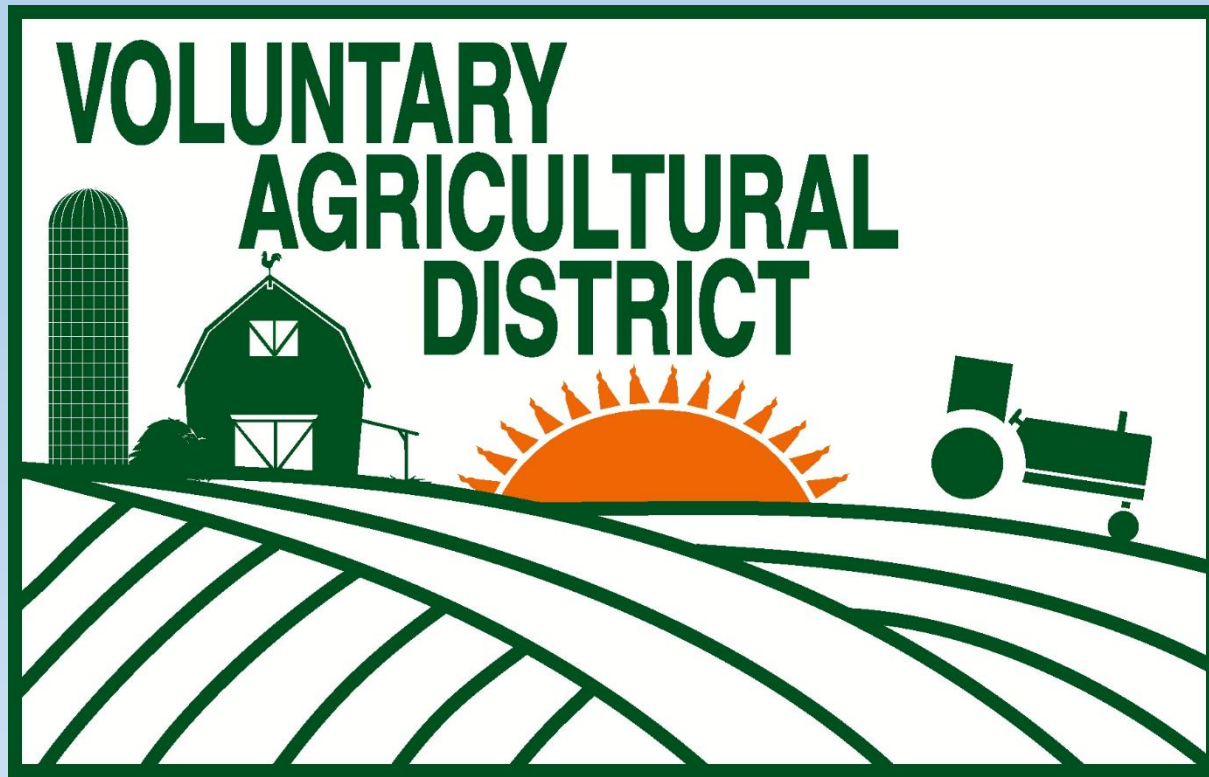
Rummel, Klepper and Kahl, LLP

tford@rkk.com

919-653-7335



Other Conservation Programs for Landowners



NC Soil & Water Conservation Cost Share Programs

- ▶ Agriculture Cost Share Program (ACSP)
- ▶ Conservation Reserve Enhancement Program (CREP)
- ▶ Community Conservation Assistance Program (CCAP)
- ▶ Agricultural Water Resources Assistance Program (AgWRAP)



Program Implementation

Locally Led Conservation

- ▶ Delivered through 96 local soil & water conservation districts (SWCDs)
- ▶ NC Soil & Water Conservation Commission
 - ▶ Sets statewide rules and policies
 - ▶ Allocates funds to local SWCDs
- ▶ Local districts
 - ▶ Set local funding priorities,
 - ▶ Receives and ranks applications,
 - ▶ Develop conservation plans and design practices
 - ▶ Oversee and certify implementation



How To Apply

Contact your local soil and water conservation district office!

www.ncagr.gov/SWC/findyourdistrict.html

- ▶ ACSP– Counties are allocated funding each year.
- ▶ CREP – Continuous signup
- ▶ AgWRAP – Funds are available in two ways
 - ▶ AgWRAP funding is allocated to counties
 - ▶ Competitive regional application process for selected BMPs
- ▶ CCAP – Competitive application process



NCDA&CS Division of Soil & Water Conservation

www.ncagr.gov/SWC

919-707-3770



North Carolina Agricultural Development and Farmland Preservation Trust Fund



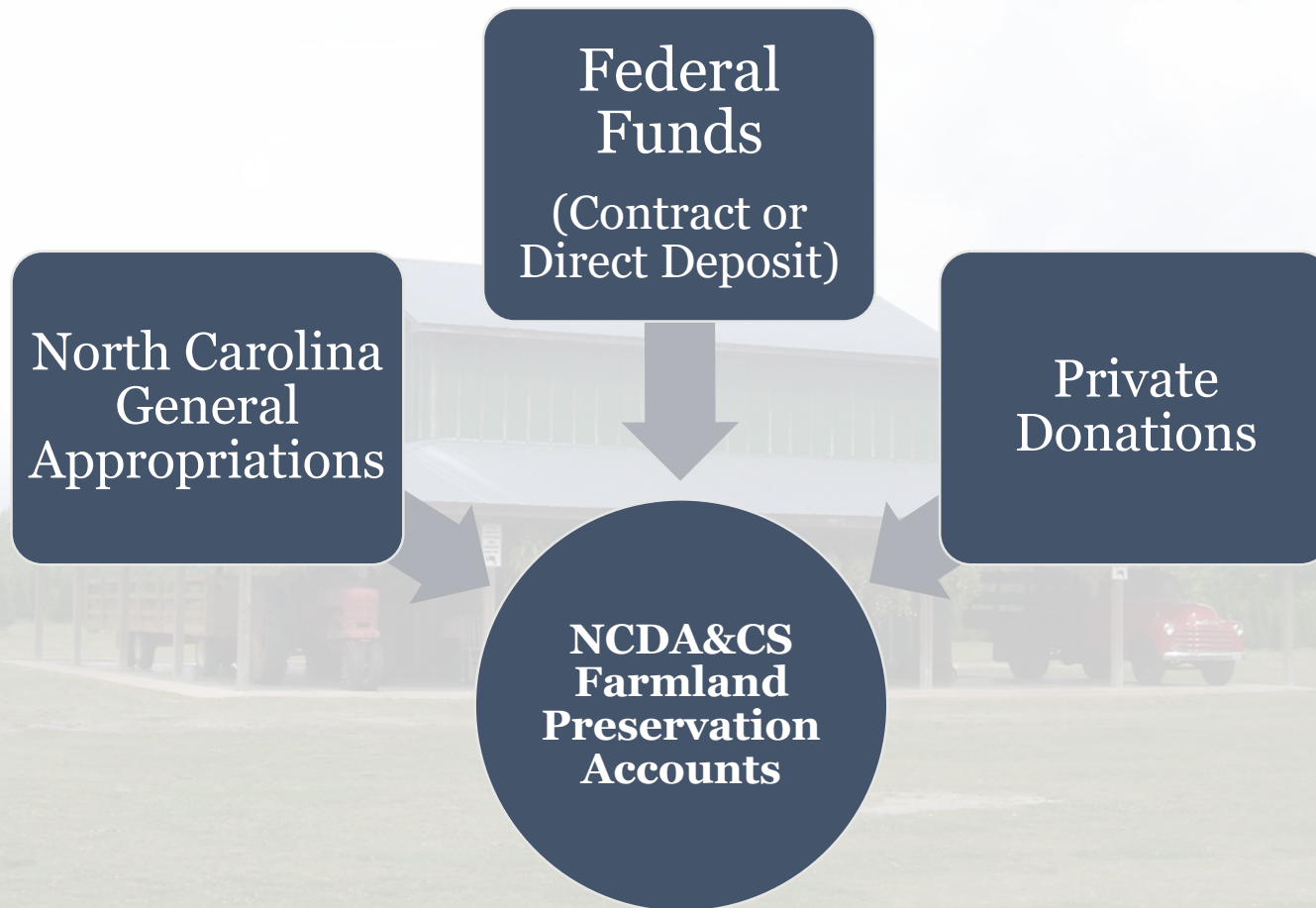
North Carolina Department of Agriculture and Consumer Services
Farmland Preservation Division

Steve Troxler, Commissioner

ADFP Trust Fund Background and Mission

- In March 2005, Agriculture Commissioner Steve Troxler delivered his "Agricultural Development and Farmland Preservation Strategy" to the North Carolina General Assembly. During the 2005 legislative session, the General Assembly passed House Bill 607, and the Agricultural Development and Farmland Preservation Trust Fund and was signed into law, N.C.G.S. 106-744.
- Assist in the preservation of N.C.'s agricultural economy by providing grants to county governments and non-profit organizations for conservation easements, agricultural agreements and programs.
- To encourage the preservation of qualifying agricultural, horticultural and forestlands to foster the growth, development and sustainability of family farms.
- Prioritize grant funding for maximum match resource utilization from private, local and federal constituent partners.

ADFP Trust Fund Funding



Who May Apply for ADFP Trust Fund Grants?

County Governments



Private Nonprofit Conservation Organizations



- Eligible entities may apply for conservation easements on behalf of private landowners. If awarded grant funds, the application entity will serve as the conservation easement holder.
- Open application period runs from mid-October to mid-December each year.
- Applications are filled out electronically at www.ncadfp.org

ADFP Trust Fund Grant Categories

Agricultural Development Projects

- According to N.C.G.S. 106-744, agricultural development projects are defined as “public and private enterprise programs that will promote profitable and sustainable family farms through assistance to farmers in developing and implementing plans for the production of food, fiber, and value-added products, agritourism activities, marketing and sales of agricultural products produced on the farm, and other agriculturally related business activities.”

Agricultural Plans

- Voluntary Agricultural Districts
 - 88 counties have passed VAD ordinances
- Farmland Protection Plans
 - 55 counties have endorsed FPPs
- Cost of Community Services Study
 - Ag lands are net providers of tax dollars

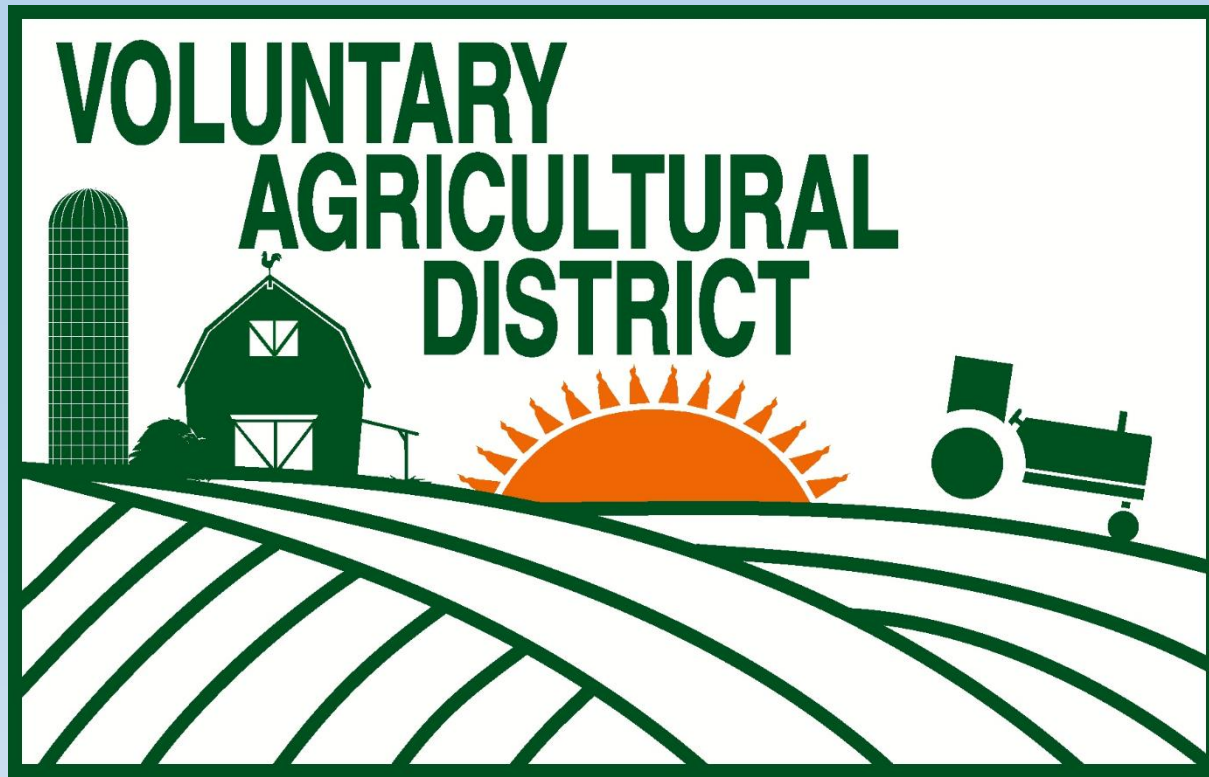


ADFP Trust Fund Grant Categories

Conservation Easements

- According to N.C.G.S. 106-744, an “agricultural conservation easement” means a negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability.
- The ADFP Trust Fund provides grants to remove the development rights off the property and for other costs associated with the recording of the conservation easement.
- The property remains in private ownership.
- The conservation easement is held by a third party. County governments and conservation nonprofits are eligible third parties.
- Monitoring of the conservation easement property is conducted by the easement holder and NCDA&CS for the length of the conservation easement.
- Agricultural conservation easements may be perpetual or term-limited in duration.

Question and Answer Session



Question and Answer Session

1. How does the Voluntary Agricultural District program interact with or impact OSD's Readiness and Environmental Protection Integration program?
2. How to sustain the program in your county?
3. I'd like to learn more about how other districts administer their VAD programs- signs (free or not), minimum acreages, conservation plan requirements, fitting in with local ordinances, outreach, workshops, etc.
4. What is the normal procedure to remove acreage and/or parcels from the program when landowner/member does not contact you to remove them? Are these removed parcels also recorded at ROD? Are landowners/members contacted when acreages/parcels change?
5. How to improve existing VAD program. Streamlining registration process for applicants, updating signage across county, etc.

Adjourn

